

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No.70157

William C. Manns

2908 Manns Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on April 27, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-310, 312; 35-5-302 (b)(1)(b)(1)95), failure to remove old siding and satellite dish, failure to replace all missing damaged siding and cover exposed wood on residential property zoned DR 5.5 known as 2908 Manns Avenue, 21234.

On April 8, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Jeffrey Radcliffe issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$9,000.00 (nine thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on March 7, 2010 for removal of trash and debris from this residential property, repair exterior structure, repair metal/wood surfaces, replace all missing/damaged siding and cover exposed wood. This Citation was issued on April 8, 2010.

B. Photographs in the file show a large pile of fire-damaged vinyl siding and a satellite dish in the yard of this single-family house. Photographs show the same pile has been there since October 2009. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

C. Photographs in the file show the side of the house where the siding was removed. Torn and damaged siding hangs from the wall; the underlying wall is exposed; and a large section of unprotected wood sheathing is visible at ground level. Respondent is required by law to maintain the exterior of the house at least in conformance with county code standards, including keeping all "[e]xposed surfaces of metal or wood in good repair, in a structurally sound condition, and protected against decay, rust, peeling, or flaking." BCC Section 35-5-302. Respondent must cover the unprotected wall with new siding.

D. Notes in the file from Inspector Jeff Radcliffe state that he first contacted Respondent after receiving a complaint in October 2009. The house was damaged by a fire and repairs were delayed by arson investigation and insurance negotiations. The damaged roof was replaced in November, and Respondent notified Inspector Radcliffe in December that he hoped to have the siding repaired by the end of December. No additional progress has been made and Respondent has not answered the Inspector's messages or responded to this Citation.

E. Respondent must remove all junk, trash and debris from the property, and must repair the exterior wall. Because compliance is the goal of code enforcement, the civil penalty will be significantly reduced if the violations are corrected within the time provided below. If the violations are not corrected, the County will be authorized to remove the junk, trash and debris at the property owner's expense, civil penalties will be imposed, and Respondent will be subject to additional Citations for continued violations.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the total amount of \$1,500.00 (one thousand five hundred dollars), with \$1000.00 (one thousand dollars) being imposed for the livability code violation of the damaged exterior structure, and \$500.00 (five hundred dollars), being imposed for the junk, trash and debris violation.

IT IS FURTHER ORDERED that the \$500.00 civil penalty for junk, trash and debris will be REDUCED to \$100.00 (one hundred dollars) if the violation is corrected by May 24, 2010.

IT IS FURTHER ORDERED that after May 24, 2010, the County may enter the property for the purpose of removing all junk, trash and debris, at the property owner's expense.

IT IS FURTHER ORDERED that the \$1,000.00 (one thousand dollars) penalty for the unrepaired exterior structure will be RESCINDED and reduced to zero dollars if the violation is corrected by June 1, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 7<sup>th</sup> day of May 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer